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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,550	07/16/2003	Jong-Kook Kang	P-0566	5940
34610	7590	10/19/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			SANTIAGO CORDERO, MARVELISSE	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/619,550	KANG, JONG-KOOK	
	Examiner Marivelisse Santiago-Cordero	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 August 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3,5-8,10-12 and 14-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3,5-8,10-12 and 14-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1, 3, 5-8, 10-12, and 14-18 were pending. Claims 2, 4, 9, and 13 were cancelled. Claims 15-18 were newly added.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 3, 5-8, 10-12, and 14-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 3 is objected to because the dependency of the claim should be corrected to depend on claim 1 instead of cancelled claim 2. Appropriate correction is required.
4. Claims 10-12 and 14 are objected to because of the following informalities: the term "the terminal" (claim 10, line 3) should be replaced with --a terminal--; the word --is-- (last line of claim 10) seems to be missing in between "transmission set". Appropriate correction is required.
5. Claim 14 is objected to because the term "the wireless communication terminal" should be replaced with --the terminal-- in order to be consistent throughout the claims. Appropriate correction is required.
6. Claims 15-18 are objected to because of the following informalities: the term "pf" (claim 15, line 8) should be replaced with --of--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 5-8, 10-12, and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeong (Pub. No.: 2004/0037287).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Jeong discloses a method for measuring a service data amount of a terminal in a call connection networking between a terminal equipment (TE) and a network comprising: monitoring packets received or transmitted at the terminal to determine if a monitored received or transmitted packet corresponds to a control packet indicating a control protocol setup state of the TE is established (page 1, paragraphs [0014]-[0016]); cumulatively counting a number of all packets, excluding data added during a protocol stack setting process, received or transmitted until every protocol session of the TE is released if the control packet indicates the control protocol setup state of the TE is established (page 1, paragraphs [0014]-[0016]); and displaying the counted number of packets on a display of the terminal (page 1, paragraphs [0014]-[0016]).

Regarding claim 3, Jeong discloses the method of claim 1, wherein the counted packets displayed on the screen of the terminal include only data in a payload of a transmission control protocol layer (page 1, paragraph [0015]).

Regarding claim 5, Jeong discloses the method of claim 1, wherein the terminal operates as a modem of the TE (page 2, paragraph [0028]; page 3, paragraph [0043]).

Regarding claim 6, Jeong discloses the method of claim 1, wherein the terminal is a mobile terminal (page 2, paragraph [0028]; page 3, paragraph [0043]).

Regarding claim 7, Jeong discloses the method of claim 1, further comprising storing the counted number of packets in a non-volatile memory of the terminal (page 1, paragraphs [0014]-[0016]), and allowing a user to delete or initialize the counted number of packets via a user interface (page 1, paragraphs [0014]-[0016]; pages 2-3, paragraph [0037]; note that the non-volatile memory is inherently present in order for the content to remain in the terminal e.g., after powering off).

Regarding claim 8, Jeong discloses the method of claim 7, wherein the user searches the stored counted number of packets by a search function through the user interface (pages 2-3, paragraph [0037]).

Regarding claim 10, Jeong discloses a method for measuring a service data amount in a call connection networking between a terminal equipment (TE) and a network, comprising: monitoring packets received or transmitted at a terminal to determine if a monitored received or transmitted packet corresponds to a control packet indicating a control protocol setup state of the TE is established (page 1, paragraphs [0014]-[0016]); measuring an amount of provided data when the control packet indicates a channel for data transmission is set between the TE and the network (page 1, paragraphs [0014]-[0016]); and displaying the measured amount of data on a screen of the terminal (page 1, paragraphs [0014]-[0016]), wherein measuring the amount of provided data comprises: removing a header and tailer from packets received or transmitted such

that the measured amount of provided data corresponds only to the payload portions of the packets (page 1, paragraphs [0014]-[0016]; page 2, paragraph [0033]); and counting a number of received or transmitted payload portions as the measured amount of data (page 1, paragraphs [0014]-[0016]; page 2, paragraph [0036]), and wherein the measurement of the data amount is performed from a point when the transmission is set to a point when every protocol session of the TE is terminated (page 2, paragraph [0032]-[0036]).

Regarding claim 11, Jeong discloses the method of claim 10, wherein the measurement of the amount of provided data is performed by the terminal (page 2, paragraph [0032]-[0036]).

Regarding claim 12, Jeong discloses the method of claim 10, wherein payload portions comprise a payload of a transmission control protocol layer (page 1, paragraph [0015]; page 2, paragraph [0033]).

Regarding claim 14, Jeong discloses the method of claim 10, wherein the wireless communication terminal operates as a modem of the TE (page 2, paragraph [0028]; page 3, paragraph [0043]).

Regarding claim 15, Jeong discloses a method for measuring a service data amount of a mobile terminal in a call connection networking between a terminal equipment (TE) and a network, comprising: determining, by the mobile terminal, if a received or transmitted packet corresponds to a control packet indicating a control protocol setup state of the TE is established (page 1, paragraphs [0014]-[0016]; page 2, paragraphs [0031]-[0036]); starting to count only payload portions of packets received or transmitted when determining the control packet indicates the control protocol setup state of the TE is established (page 1, paragraphs [0014]-[0016]; page 2, paragraphs [0031]-[0036]); and displaying, on the mobile terminal, the number

of counted received and transmitted payload portions when the protocol setup state of the TE is released (page 1, paragraphs [0014]-[0016]; page 2, paragraphs [0031]-[0036]).

Regarding claim 16, Jeong discloses the method of claim 15, wherein the terminal functions as a modem of the TE (page 2, paragraph [0028]; page 3, paragraph [0043]).

Regarding claim 17, Jeong discloses the method of claim 15, further comprising storing the counted number of packets in a non-volatile memory of the terminal (page 1, paragraphs [0014]-[0016]; pages 2, paragraph [0035]; note that the non-volatile memory is inherently present in order for the content to remain in the terminal e.g., after powering off), and allowing a user to delete or initialize the counted number of packets via a user interface (page 1, paragraphs [0014]-[0016]; pages 2-3, paragraph [0037]).

Regarding claim 18, Jeong discloses the method of claim 17, wherein the user searches the stored counted number of packets by a search function through a user interface with the mobile terminal (pages 2-3, paragraph [0037]).

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morikawa (WO 02/39671) discloses counting the number of received/transmitted packets.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SONNYTRINH**  
**PRIMARY EXAMINER**